

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BRANDON FARNSWORTH and
TYRONE WILLIAMS,

Plaintiff,

v.

CASE NO: 17-CV-10966

CAREY JOHNSON

Defendant.

/

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

This matter was referred to United States Magistrate R. Steven Whalen pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. In his report filed on February 10, 2019, the magistrate judge recommended that this court deny without prejudice Defendant Carey Johnson's Motion for Summary Judgment on the Basis of Exhaustion [Dkt. #20].

No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived.¹

The Court ADOPTS the Report and Recommendation for purposes of this Order.

Accordingly, IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendant Carey Johnson's Motion for Summary Judgment on the Basis of Exhaustion [Dkt. #20] be DENIED WITHOUT PREJUDICE.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: March 12, 2019

¹The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, March 12, 2019, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(810) 292-6522
